

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on May 7, 2003, and the references cited therewith.

Claims 1, 5, 7, 8 and 13 are amended; no claims are canceled or added in this response; as a result, claims 1-23 remain pending in this application. The amendments to claims 1, 7, 8 and 13 are intended to clarify the transmission aspect of the claims and are not in response to any art based rejection. The amendment to claim 5 clarifies corrects a minor typographical error and is not in response to any art based rejection.

§103 Rejection of the Claims

The rejection of claims 1-23 under 35 USC § 103(a) as being unpatentable over Tabuchi (US 5,822,583) in view of Ruckdashel (US 6,038,542) was maintained in the Final Office Action and the Advisory Office Action. A declaration under 37 C.F.R. § 1.131 showing facts supporting an earlier conception date than the effective date of the Ruckdashel reference, coupled with diligence and constructive reduction to practice is provided herewith. The declaration swearing behind the Ruckdashel reference is believed to overcome each of the rejections.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6954) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

LARRY A. NICKUM

By their Representatives,

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Date October 7, 2003

By Rodney L. Lacy  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7th day of October, 2003.

Rodney L. Lacy  
Name

Rodney L. Lacy  
Signature